

**From:** Jeff Disher  
**To:** Microsoft ATR  
**Date:** 1/25/02 2:52pm  
**Subject:** Microsoft Settlement

Hello,

I do hope that you will not allow Microsoft to settle under the current terms. First of all, it is a very small penalty (\$1 billion) in comparison to the amount of money they have made by committing these crimes. This would not properly ensure a deterrent to stop them from doing it again. Also, the distribution of this money as their own products is purely ridiculous. Note that, since Microsoft would be primarily donating their own software to parties that would not otherwise be buying it, they aren't actually spending any money to provide these reparations. Most important is the long-term effect of this settlement on the receiving markets. Since these markets were going to continue using products made by the competitors of Microsoft, they would now be in a position where it was in their best interests to continue using the software they had acquired for free rather than paying to update what they were using. This will have a terribly detrimental effect on the computer software industry since none of their competitors would be making sales to these markets. In effect, this settlement would be perpetuating and aiding the problem that it was meant to solve. This is simply ridiculous since it leaves the software industry in a worse condition than it was before this began.

I can see a few reasonable solutions:

- 1) Uphold the earlier decision of the court to break-up the company and proceed with that (bad side effects: short-term disruption in the computer industry on a theoretical level. Since the application and operating system divisions of the company would still exist, albeit as different parts, they could still service all of their customers. The only difference the end-user would notice would be a change in the company name and logo but that shouldn't effect their productivity. Good side-effects: potential to open new markets that were formerly unreachable by competing companies as well as potentially stronger long-term revenues of technology companies currently under financial pressure. Primary benefits would be to companies distributing alternative operating systems, competing office suite products and platform-independence tools such as Java).
- 2) Insist that Microsoft pay a greater settlement fee than \$1 billion and insist that it is in cash, not their own products (bad side effects: this would not actually solve any problem relating to this case. Good side effects: the markets receiving this money would immediately benefit from it. All companies in the market would benefit from the spending of this money in more "fair" measures).

I hope that my ideas and your experience can help resolve this issue in

a method that could benefit all parties involved to their owed degrees.

Sincerely,  
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